

HOUSE BILL 1157

D3

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By: **Delegates Elliott, Aumann, Bartlett, Bates, Costa, Dwyer, Eckardt, Elmore, Frank, George, Haddaway, Jenkins, Kipke, Krebs, McComas, Miller, Myers, O'Donnell, Schuh, Serafini, Shank, Shewell, Sossi, and Stull**

Introduced and read first time: February 17, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Health Care Malpractice – Limitation on Noneconomic Damages**

3 FOR the purpose of altering a certain limitation on noneconomic damages in health
4 care malpractice claims; making conforming and stylistic changes; and
5 generally relating to altering a certain limitation on noneconomic damages in
6 health care malpractice claims.

7 BY repealing and reenacting, without amendments,
8 Article – Courts and Judicial Proceedings
9 Section 3–2A–09(a)
10 Annotated Code of Maryland
11 (2006 Replacement Volume and 2009 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Courts and Judicial Proceedings
14 Section 3–2A–09(b)(1)
15 Annotated Code of Maryland
16 (2006 Replacement Volume and 2009 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – Courts and Judicial Proceedings**

20 3–2A–09.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) This section applies to an award under § 3-2A-05 of this subtitle or a
2 verdict under § 3-2A-06 of this subtitle for a cause of action arising on or after
3 January 1, 2005.

4 (b) (1) (i) Except as provided in paragraph (2)(ii) of this subsection, an
5 award or verdict under this subtitle for noneconomic damages [for]:

6 1. **FOR** a cause of action arising between January 1,
7 2005, and December 31, 2008, inclusive, may not exceed \$650,000;

8 2. **FOR A CAUSE OF ACTION ARISING BETWEEN**
9 **JANUARY 1, 2009, AND DECEMBER 31, 2009, INCLUSIVE, MAY NOT EXCEED**
10 **\$665,000;**

11 3. **FOR A CAUSE OF ACTION ARISING BETWEEN**
12 **JANUARY 1, 2010, AND SEPTEMBER 30, 2010, INCLUSIVE, MAY NOT EXCEED**
13 **\$680,000; AND**

14 4. **FOR A CAUSE OF ACTION ARISING ON OR AFTER**
15 **OCTOBER 1, 2010, MAY NOT EXCEED \$500,000.**

16 (ii) 1. The limitation on noneconomic damages provided
17 under subparagraph (i)4 of this paragraph shall increase by \$15,000 on [January]
18 **OCTOBER 1** of each year beginning [January 1, 2009] **OCTOBER 1, 2011.**

19 2. The increased amount **UNDER SUBSUBPARAGRAPH**
20 **1 OF THIS SUBPARAGRAPH** shall apply to causes of action arising between [January
21 1 and December 31] **OCTOBER 1** of that year **AND SEPTEMBER 30 OF THE**
22 **FOLLOWING YEAR**, inclusive.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2010.